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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 98-140

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. In s. Trans 309.01 (2), it appears that the phrase “after December 30, 1998” is unnecessary.

b. In s. Trans 309.02 (1), “Advance” should be changed to “Advanced.”

c. In s. Trans 309.02 (11), the quotation marks around “in-service ambulance” are unnecessary and should be deleted.

d. The new sentence in s. Trans 309.02 (12) should be rewritten as follows:

“Type I ambulance” includes a vehicle that is used for a combination of fire and ambulance purposes.

e. In s. Trans 309.03 (5), the material contained in the paragraphs does not follow grammatically from the introductory material. Either the paragraphs or the introductory material should be rewritten. In addition, in sub. (5) (intro.), after “deficient,” the following should be inserted: “and sub. (4) does not apply.” Finally, in sub. (5) (intro.), “any of” should be inserted after “inspection.”

f. In s. Trans 309.03 (7), “Penalties” should be changed to “The penalty” and that subsection should be divided into three separate sentences following the same format as the first sentence. In addition, the cross-reference errors should be corrected. The subsection could be rewritten as follows:

(7) The penalty for violating sub. (5) (a) to (h) is a forfeiture of \$50. The penalty for violating sub. (5) (i) is a forfeiture of \$100. The penalty for violating sub. (6) is a forfeiture of \$200.

Also, should a phrase such as “up to” or “not more than” precede the above dollar amounts?

g. In s. Trans 309.04 (2), “Vehicles” should be changed to “A vehicle.” This comment applies also to s. Trans 309.04 (3).

h. In s. Trans 309.04 (3), the phrase “be allowed to” is unnecessary.

i. In the first sentence of s. Trans 309.23 (1) (b), the phrase “be required to” is unnecessary.

j. Is the last sentence in s. Trans 309.24 (1) (a) necessary? The introductory material in sub. (1) states that “all ambulances shall be equipped with the following:”. Is it not the case that all of the paragraphs in sub. (1) apply to all “in-service ambulances”?

k. In s. Trans 309.24 (1) (b), “should” should be changed to “may.”

l. In s. Trans 309.24 (1) (bm), should the first occurrence of “airway” be changed to “airways”?

m. In s. Trans 309.24 (1) (m), should “one adult” be changed to “one regular adult” or “one other adult”?

n. The requirements set forth in s. Trans 309.24 (1) (y) and (ym) should not be contained in that subsection because those requirements do not apply to all ambulances. Should the material contained in par. (y) be moved to sub. (3) and the material contained in par. (ym) be moved to sub. (4)?

o. In SECTION 61 of the rule-making order, in the first rule citation, “(1)” should be inserted between “309.24” and “(zd).”

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the second bullet item under the heading “General Summary of Proposed Rule” in the analysis, it is unclear what is meant by “an out-of-service criteria.” In addition, in that sentence, “of” should be changed to “with.”

b. In the Note following s. Trans 309.01 (1), “the ambulance” should be changed to “all ambulances used by the ambulance service provider.”

c. In s. Trans 309.03 (1), in the first sentence, it appears that “and approved” should be inserted after “inspected.” In addition, in the third sentence, the term “service provider” should be used consistently. In addition, when a reserve ambulance is put into in-service ambulance

status, must the service provider notify the department and must an inspection be conducted? Finally, the quotation marks in the last sentence are unnecessary and should be deleted.

d. The title to s. Trans 309.08 should be changed to be more descriptive of the requirements of that section. For example, the title could be changed to either **“Recordkeeping”** or **“Documentation.”**

e. Section Trans 309.08 (3) and (4) should specify how long the vehicle maintenance records and equipment maintenance records must be maintained. In addition, both provisions should be written in the active voice, i.e., “_____ shall develop, maintain and follow procedures”

f. Section Trans 309.08 (4) refers to performance testing. Is performance testing required? If so, this requirement should be set forth clearly in the rule.

g. In s. Trans 309.15 (2) (f), what is meant by “understandable”? Should this term be replaced with “recognizable as emergency vehicle lights”?

h. It is unclear whether s. Trans 309.17 (1m) applies to any ambulance that is in service three months after the chapter takes effect or only to those ambulances that are put into service for the first time three months after the chapter takes effect. This point should be clarified. This comment also applies to s. Trans 309.19 (2) (b). Also, “subsection applies to” should replace “requirement shall take effect on all.” Finally, “the first day of the 3rd month beginning after the effective date of this subsection [revisor inserts date]” should replace “3 months after this chapter takes effect.” [See s. 1.001 (9) (b), Manual.]

i. In s. Trans 309.18 (2), “EMTs” should replace EMT’s.”

j. In the second and third sentences of s. Trans 309.24 (1) (b), should “clear” be changed to “transparent”?

k. In s. Trans 309.24 (1) (s), “of” should be inserted after “immobilization” and “design” should be changed to “material.”

l. In s. Trans 309.24 (1) (xm), a comma should be inserted after “materials” and “include” should be changed to “including all of the following.”

m. Section Trans 309.24 (1) (xr) states that the latex-free items are to be used for a latex-sensitive patient or an emergency medical technician. However, instead of the latex-free items listed, the personal protective equipment kit may include a mechanism to isolate “the patient” from latex-made items. Would such a mechanism provide adequate protection to a latex-sensitive emergency medical technician? Also, note that “latex-free” and “latex-sensitive” are hyphenated terms.

n. In s. Trans 309.24 (1) (xr) 3., the two types of airway sets that are required should be specified. In addition, in subds. 6. and 7., the acronym should not be used because it is not a defined term.

o. In s. Trans 309.24 (1) (y), “the items specified in” should be inserted after “to.” This comment applies also to par. (ym).